

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ANGELO CLARK,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C. A. No. 06-465 - SLR
	:	
REGIONAL MEDICAL FIRST	:	TRIAL BY JURY OF
CORRECTIONAL,	:	TWELVE DEMANDED
MANAGER ANGELA WILSON, AND	:	
CORRECTIONAL MEDICAL SERVICES,	:	
	:	
Defendants.	:	

**DEFENDANT CORRECTIONAL MEDICAL SERVICES' MOTION FOR SUMMARY
JUDGMENT AND MOTION TO DISMISS**

FACTUAL BACKGROUND

1. The Plaintiff filed a lawsuit against Correctional Medical Services and other defendants on July 26, 2006. See D.I. 2 attached as Exhibit A.

2. The Complaint states

"The Zyprexa has given me some partial nerve damage in my leg's and arms as well as memory loss, at certain times when I try to remember certain things that I am suppose (sic) to do on a regular basis, and very bad muscle spasm's and E.T.C.. I never see the psychiatrist about my meds, I keep complaining how the Zyprexa makes me feel like a human dummy and I want to be treated better."

3. On December 19, 2006, the Court issued a Memorandum Order (D.I. 16) and indicated the "Plaintiff alleges he was given medication that caused nerve damage, that he has not seen a psychiatrist about his medication, and ... he is not being treated properly." See D.I. 16 at para. 4.

4. On January 28, 2007, the Plaintiff filed "Memorandum Documents" (D.I. 20) and

mentioned that he had “stabbed [himself] in the left hand for relief out of the SHU-where I am manic-depressive-bipolar-and also paranoid schizophrenic...” and that he fears for his life.

5. The Plaintiff was sent to the Delaware Psychiatric Center pursuant to a January 25, 2007 Order of Superior Court Judge Jan Jurden and then returned to the Delaware Correctional Center by a subsequent order of that same Judge on June 13, 2007.
6. The Plaintiff has made numerous allegations throughout court filings and on July 17, 2007 the Court interpreted at least one of the filings to be a Motion for Preliminary Injunction. The Court ordered a response by the Defendant and on July 31, 2007, Defendant provided the Court with some of Mr. Clark’s medical records and a response to the Motion for Preliminary Injunction.¹ See D.I. 57.
7. On August 6, 2007, the Court denied the Motion for a Preliminary Injunction and indicated then that the Plaintiff has not shown a likelihood of success on the merits of his claim. See D.I. 62.
8. A scheduling Order is in place requiring discovery to close November 23, 2007. Defendant has served Interrogatories and Requests for Production of Documents and the Plaintiff has served responses that require interpretations to understand how the Answers might relate to the case. See Plaintiff’s Answers to Interrogatories and Responses to Request for Production of Documents attached as exhibits B and C respectively.
9. Though discovery is not yet closed, the Plaintiff does not appear to be in a position to

¹Defendant is in possession of at least two fairly large volumes of Plaintiff’s medical records that span many years, beyond what is alleged in the lawsuit.

offer any evidence that will allow him to prevail against Correctional Medical Services.

As a result, the Defendant requests that this Court dismiss this case with prejudice.

ARGUMENT

10. Fed. R. Civ. Proc. 56 permits a defendant to move with or without supporting affidavits for a summary judgment in the defendant's favor.
11. A court shall grant summary judgment only if "the pleadings, depositions, answers to interrogatories, and admission on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgement as a matter of law." Fed. R. Civ. P. 56(c).
12. If the moving party has demonstrated an absence of material fact, the nonmoving party then "must come forward with 'specific facts showing that there is a genuine issue for trial.'" Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 n. 10 (1986).
13. To Prevail in a 42 U.S.C. §1983 cause of action against Correctional Medical Services for inadequate medical treatment, Mr. Clark must demonstrate that the medical care provider was deliberately indifferent to a serious medical need. Estelle v. Gamble, 429 U.S. 97, 104-06 (1976). The Plaintiff must show that he has a serious medical need and that the Defendant was aware of this need and was deliberately indifferent to it. West v. Keve, 571 F.2d 158, 161 (3d Cir. 1978); see also Boring v. Kozakiewicz, 833 F.2d 468, 473 (3d Cir. 1978). It is not enough for the Plaintiff to prove that any individuals were medically negligent in rendering him care as medical malpractice is not enough to prove a constitutional violation. Estelle, 429 U.S. at 106. Finally, neither disagreement as to appropriate medical treatment nor claims of medical malpractice support a claim of an Eighth Amendment Violation. Monmouth County Corr. Inst. Inmates v. Lanzaro, 834

F.2d 326, 347 (3d Cir. 1987); see also Estelle, 429 U.S. at 107 (noting inmates' claims against medical service providers are not viable where he continues to receive care despite his belief that more should be done by way of diagnosis and treatment or that options available to medical service provider were not pursued); Harrison v. Barkley, 219 F.3d 132, 138–140 (2d Cir. 2000). Inmates have no right to choice of service, only that reasonable treatment is provided. Harrison, 219 F.3d at 136.

14. As Correctional Medical Services is a corporation, the Plaintiff must show that Correctional Medical Services had a policy or custom of being deliberately indifferent to a serious medical need. Jackson v. First Corr. Med. Servs., 380 F. Supp. 2d 387, 391-92, (D.Del.2005). In order for CMS to be liable for a civil rights violation of subjecting the Plaintiff to Cruel and Unusual Punishment, the Plaintiff must prove that: 1) the policy or practice created an unreasonable risk of injury; 2) CMS was aware that the unreasonable risk existed; 3) CMS was indifferent to that risk; 4) Plaintiff's injury resulted from the policy. See Collins v. Hunter, 2007 U.S. Dist. LEXIS 3083, *14 (D.Del. 2007).
15. The medical records attached to the Defendant's Response to the Plaintiff's Motion for Preliminary Injunction (including the Psychiatric Progress Notes and Observations from 9/7/06 to 6/12/07) demonstrate that the Plaintiff has received a substantial amount of care for his various physical and mental health needs. It will not be possible for the Plaintiff to prove that Correctional Medical Services has a policy or custom of deliberate indifference to his serious medical needs.
16. Even if the Plaintiff could, in some universe of facts, prove to a jury that an individual health care provider was reckless or intentionally indifferent to his serious medical needs, he still could not prevail against Correctional Medical Services as liability may not be imposed vicariously. See Swan v. Daniels, 923 F. Supp. 626, 633 (D.Del. 1995); Miller v.

Cor. Med. Sys., Inc., 802 F. Supp. 1126, 1132 (D. Del. 1992).

CONCLUSION

As the Plaintiff cannot produce any facts that will allow him to prevail against Correctional Medical Services, Defendant requests that this Court dismiss this case with prejudice.

Marks, O'Neill, O'Brien & Courtney, P.C.

By: Patrick G. Rock, Esquire

Megan T. Mantzavinos, Esquire (I.D. No. 3802)
Patrick G. Rock, Esquire (I.D. No. 4632)
913 North Market Street, Suite 800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant

DATE: October 1, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ANGELO CLARK,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C. A. No. 06-465 - SLR
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REGIONAL MEDICAL FIRST	:	TRIAL BY JURY OF
CORRECTIONAL,	:	TWELVE DEMANDED
MANAGER ANGELA WILSON, AND	:	
CORRECTIONAL MEDICAL SERVICES,	:	
	:	
Defendants.	:	

NOTICE OF MOTION

TO:

Inmate Angelo Clark, *Pro Se*
SBI #123209
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

PLEASE TAKE NOTICE that the Attached Motion for Summary Judgment, Motion to Dismiss shall be heard at the convenience of the Court before the Honorable Susan L. Robinson, the Judge assigned to this case.

-

/s/ Patrick G. Rock, Esquire
Patrick G. Rock, Esquire (4632)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 North Market Street, Suite 800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant CMS

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ANGELO CLARK,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C. A. No. 06-465 - SLR
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REGIONAL MEDICAL FIRST	:	TRIAL BY JURY OF
CORRECTIONAL,	:	TWELVE DEMANDED
MANAGER ANGELA WILSON, AND	:	
CORRECTIONAL MEDICAL SERVICES,	:	
	:	
Defendants.	:	

ORDER

HAVING READ THE Defendant's Motion and any responses thereto, IT IS ORDERED,
that the above case is Dismissed with prejudice.

Date

J.

EXHIBIT A

ORIGINAL

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

(1) ANGELO CLARK 123209
 (Name of Plaintiff) (Inmate Number)
DELAWARE CORRECTIONAL CENTER
1181 Paddock Road
SMYRNA, DELAWARE 19977
 (Complete Address with zip code)

06 - 465

(2) _____
 (Name of Plaintiff) (Inmate Number)

(Case Number)

(to be assigned by U.S. District Court)

(Complete Address with zip code)

(Each named party must be listed, and all names
 must be printed or typed. Use additional sheets if needed)

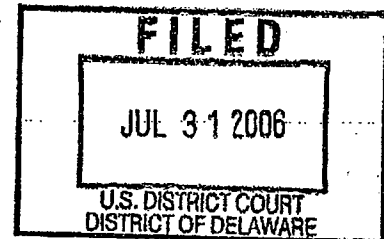
vs.

CIVIL COMPLAINT

(1) REGINAL MEDICAL FIRST CORRECTIONAL
 (2) MANAGER ANGELA WILSON
 (3) CORRECTIONAL MEDICAL SYSTEMS
 (Names of Defendants)

• • Jury Trial Requested

(Each named party must be listed, and all names
 must be printed or typed. Use additional sheets if needed)



I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned: **gd scanned**

N/A

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ••Yes•• ••No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ••Yes•• ••No

C. If your answer to "B" is Yes:

1. What steps did you take? I TOLD MEDICAL THE MEDS WAS GIVING ME SIDE-EFFECTS
2. What was the result? _____

D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: REGINAL MEDICAL FIRST COLLECTIONS
 Employed as DOCTOR JOSHI at DELAWARE CORRECTIONAL CENTER
 Mailing address with zip code: _____

(2) Name of second defendant: ANGELA WILSON - C.M.S
 Employed as MANAGER at DELAWARE CORRECTIONAL CENTER
 Mailing address with zip code: 1181 Paddock ROAD
SMYRNA, DELAWARE 19977

(3) Name of third defendant: ROBERT M. HOOPER
 Employed as REGINAL MANAGER at DEPT OF CORRECTIONS
 Mailing address with zip code: N-A

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. THE ZYPREXA HAS GIVEN ME SOME
PARTIAL NERVE DAMAGE IN MY LEGS AND
ARMS AS WELL AS MEMORY LOSS, AT
CERTAIN TIMES WHEN I TRY TO REMEMBER
CERTAIN THINGS THAT I AM SUPPOSE TO DO
2. ON A REGULAR BASIS, AND VERY BAD MUSCLE
SPASMS AND E.T.C. I NEVER SEE THE
PSYCHIATRIST ABOUT MY MEDS, I KEEP
COMPLAINING HOW THE ZYPREXA MAKES
ME FEEL LIKE A HUMAN DUMMY AND I
3. WANT TO BE TREATED BETTER.

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I WANT TO BE GRANTED BY THE COURT
SOME KIND OF COMPENSATION FROM THE
DEPARTMENT OF CORRECTIONS, AND THE
MEDICAL VENDOR C.M.I.S.

2. _____

3. _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 26 day of July, 2006.

x Cinque Lu Clara
(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

Certificate of Service

I, Angelo Clark, hereby certify that I have served a true
and correct copy(ies) of the attached: _____

_____ upon the following
parties/person (s):

TO: Office of the Clerk
United States District Ct
844 N. King Street
Wilmington, Delaware
19801

TO: _____

TO: Attorney General Office TO: _____
820, N. French Street
Wilmington, Delaware
19801

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United
States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE
19977.

On this 26 day of July, 2006

Angelo Lu Clark

IM Angelo Clerk
SBI# 123209 UNIT C-11
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

Office of the Clerk
United States District Ct
844 N. King Street
Wilmington, Delaware
19801

UNITED STATES POSTAGE
02 1A
0004608975 JUL 29 2007
\$03.05
MAILED FROM ZIP CODE 198



EXHIBIT B

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

AUG 09 2007

ANGELO CLARK,

Plaintiff,

v.

REGIONAL MEDICAL FIRST
CORRECTIONAL,
MANAGER ANGELA WILSON, AND
CORRECTIONAL MEDICAL SERVICES,

Defendants.

C. A. No. 06-465 - SLR

TRIAL BY JURY OF
TWELVE DEMANDED

PLAINTIFF'S ANSWERS TO
DEFENDANT CORRECTIONAL MEDICAL SERVICES' FIRST SET OF
INTERROGATORIES DIRECTED TO PLAINTIFF

TO: ANGELO CLARK, *pro se* Plaintiff.

Pursuant to Fed. R. Civ. P. 33, you are hereby requested to answer all Interrogatories in the space provided beneath each Interrogatory. If there is insufficient space to answer any Interrogatory, the remainder of the answer shall follow on a supplemental sheet.

The Answers to Interrogatories shall be served on all interested parties within thirty (30) days after service of the attached Interrogatories.

These Interrogatories shall be deemed continuing so as to require supplemental Answers between the time answered and the time of trial.

Pursuant to Fed. R. Civ. P. 34, all documents requested to be produced are to be attached to the Answers to Interrogatories. In the event that the requested documents cannot be attached to the Answers to Interrogatories, you are to indicate when and where the requested documents can be inspected and the reason why they could not be attached to the Answers to Interrogatories.

Pursuant to Fed. R. Civ. P. 26, all Interrogatories shall be answered with the limitation that the answers need not include disclosure of the mental impressions of a party's attorney or his or her conclusions, opinions, memoranda, notes or summaries, legal research or legal theories. With respect to the representative of a party other than the party's attorney, discovery shall not include disclosure of his or her mental impressions, conclusions or opinions respecting the value or merit of a claim or defense or respecting strategy or tactics.

INSTRUCTIONS FOR INTERROGATORIES

A. Unless otherwise indicated, these Interrogatories refer to the time, place and circumstances of the occurrences complained of in the pleadings.

B. Where knowledge or information of a party is requested, such request includes knowledge of the party's agents, representatives, and, unless privileged, the party's attorneys.

C. If you object to any interrogatory or any portion thereof, specify the Interrogatory and state all reasons for the objection thereto and respond in full to any portion to which you do not object.

D. If you believe that any of the following interrogatories call for information or documents subject to a claim of privilege, answer or produce so much as is not objected to, state the part of each discovery request to which you raise an objection, and set forth the basis for your claim of privilege with respect to such information as you refuse to give, including a statement identifying the nature of the information withheld. For each document as to which you claim privilege, set forth the date of the communication, the names of the communicants, names of other parties who participated in, overheard, were sent copies, or became privy to the communication, the subject matter of the communication, and the capacity in which each

communicant was acting at the time of the communication.

E. All verbs include all tenses. "All" means "any and all," "any" means "any and all." "Including" means "including but not limited to." "Any" and "or" encompass both "and" and "or." Words in the masculine, feminine or neuter form shall include each of the other genders.

F. The singular shall refer to the plural and the plural shall refer to the singular.

G. These interrogatories shall be deemed to be continuing, so as to require supplemental answers where you or your attorneys come into possession of knowledge or information, responsive to these interrogatories, which has not previously been supplied. Such supplemental answers are to be served before trial and within a reasonable time after the information or knowledge is obtained. The date such additional knowledge came into your possession shall be specified, and also the identity of the individual(s) who furnished such additional knowledge or information to the person preparing the information.

H. These Interrogatories are to be answered pursuant to Federal Rule of Civil Procedure No. 33 within thirty (30) days of service hereof.

I. Please answer in the space provided after each question, and use supplemental document only if space provided is inadequate.

DEFINITIONS FOR INTERROGATORIES

A. "Identify" means when used in reference to:

(1) A natural person – his or her full name and present or last known business and home address.

(2) A company, corporation, association, joint venture, sole proprietorship, firm, partnership, or any other business or legal entity not a natural person – its full name now and at the time in question, and its principal place of business now and at the time in question.

(3) A document – its character (e.g., letter, memorandum, report, etc.), its title, date, author, addressee, all distributees, and its subject matter.

(4) Any other thing – a description with sufficient particularity that such thing may thereafter be specified and recognized as such.

When an interrogatory uses the words: "identify," the party served with the interrogatory must identify all documents, things and persons known to that party or to that party's attorney, and the addresses of all person(s) identified must be set forth.

B. The term "person" or "persons" include not only natural persons, but also public and private corporations, proprietorships, partnerships, governmental entities, associations, organizations, groups or divisions, plus any departments or units thereof.

C. "Document" means any papers, writings, things, or records of any type or source of authorship in Plaintiff's possession, custody or control, or of which Plaintiff has knowledge, wherever located, however produced or reproduced, and whether a draft, original or copy. By way of illustration and not limitation, the term "documents" shall include memoranda of telephone conversations or interviews, minutes, summaries or other records of any meetings, discussions or conferences; as well as other notes, reports, records, data, memoranda, insurance policies, correspondence, notebooks, scrapbooks, diaries, minutes, summaries, financial statements, ledgers, magnetic tape or other sound recordings, telegrams, letters, photographs, drawings, plans, studies, manuals, instructions, bids, specifications, graphs, sketches, blueprints, charts, curves, motion picture film, microfilm, computer printouts, computer records, computer discs, computer tapes, photographs, photograph negatives, photocopies, photostats, descriptions, purchase orders, agreements, contracts, invoices, bills of lading, published or unpublished speeches, manuscripts or articles, transcripts, affidavits, depositions, printed matter, publications, and any other retrievable intelligence, however, recorded, memorialized or preserved. Any

original or copy containing thereon or having attached thereto any alterations, notes, comments, or other material not included in each other original or copy shall be deemed a separate document within the foregoing definition.

D. Where the context allows, the terms "and" and "or" shall mean "and/or," the plural of a word shall include the singular, the singular of a word shall include the plural, the past tense of a verb shall include the present, the present tense of a verb shall include the past, and the masculine shall include the feminine, so as in all cases to require the broadest response.

E. "Relate" or "relating" means, in addition to the customary and usual meaning of these terms, discuss or discussing, refer or referring, mention or mentioning, reflect or reflecting, pertain or pertaining, assess or assessing, record or recording, comprise or comprising, consist of or consisting of, evaluate or evaluating, analyze or analyzing, in whole or in part, directly or indirectly.

F. "You" shall mean Plaintiff, Angelo Clark and any agent or person purporting to act on your behalf.

G. "Defendant" shall mean Correctional Medical Services, or any of the Defendants identified in Plaintiff's Complaint and subsequent Amendments as well as their agents and employees or persons acting or purporting to act on their behalf.

H. To the extent an identification of a document is sought herein and it was, but is no longer, in your possession, or subject to your control, state whether it (i) is missing or lost, (ii) has been destroyed, (iii) has been transferred, voluntarily or involuntarily to others, or (iv) has been otherwise disposed of. In each instance, explain the circumstances surrounding such disposition, state the date or approximate date thereof, the contents of the document, and the person who authorized the transfer, destruction or other disposition of the documents.

I. If any information called for by an interrogatory herein is withheld because you

claim that such information is contained in a privileged document or communication:

- (1) Identify each such document or communication;
- (2) State the basis upon which the privilege is asserted;
- (3) State the paragraph of the interrogatory to which each such document and communication is responsive; and
- (4) Identify each person (other than the attorneys representing Defendant in this action) to whom the contents of each such document and communication has heretofore been disclosed, either orally or in writing.

J. "Premises" or "property" shall mean the Delaware Correctional Center and/or any other location wherein you alleged acts were performed making defendant(s) liable to you.

K. "Incident" shall mean the incident alleged in Plaintiff's Complaint and any amendments thereto to have occurred on during the time incorporated in the pleadings.

INTERROGATORIES

1. Give the names and last known addresses of all other persons who have knowledge of the facts alleged in the pleadings.

ANSWER:

ANTHONY D. CLARK - SON
1920 NORTH LANCASTER AVE.
CHRISTOPHER SMITH - UNCLE
22ND WEST 37TH STREET

2. If you contend that your civil rights have been violated, please identify each action that you claim constitutes a violation, who performed the action, what civil right or rights were violated by such action, and state all facts upon which you base each claim of violation.

ANSWER:

Civil Rights Violation, UNDER 8TH ADMENDR.
BEING INVOLATARY GIVEN Hepatitis C A Couple
OF Times by NURSING MEDICAL STAFF OR
GIVEN A INJECTION by STEPHANIE BLOOD LADY
DOX WAS GIVEN by ONE OF TECHNICIANS. AND THAT
ALONE SHOULD LET YALL KNOW, ONE OF REASONS
I WEAR A NITRO PATCH AND HAVING TO DEAL WITH A
NUMBER OF AILMENT'S IS BECAUSE, WRONG DIAGN
AND NOT BEING DEALT WITH ON A PROFESSIONAL MANN

3. State your employers' name and address, dates of employment, and location of

employment from 1997 to the present.

ANSWER:

N-A

4. If you have been convicted of, or plead guilty to, any crime, please state the date of conviction or plea, the Court where the judgment or plea was entered, and the crime for which

you were convicted or plead, and the sentence imposed for such conviction or plea.

ANSWER:

I TOOK A PLEA TO 4TH DEGREE RAPE
WHICH, ME AND MY LAWYER CHRISTOPHER TEASE!
AGREED TO A THREE YEAR PLEA, BUT WHEN I WENT
SENTENCING INSTEAD OF RECEIVING THE RECOMMEND
THREE YRS, HE SENTENCED ME TO TEN YRS - FOR 4TH
RAPE WHICH TOOK PLACE AT THE ROCKFORD CENTER
JUDGE RICHARD COCK! FEMALE - 33 YRS OLD
ME A. CLARK - 48 YRS OLD.

5. Please list all doctors and/or health care professionals who treated or examined you

from 1990 to the present, stating their names, addresses, phone numbers, specialties, if any, and
the symptoms for which you treated with each doctor or health care professional.

ANSWER:

N-A

6. If you attribute any physical, mental or emotional injuries to the claimed violations of
your civil rights, please identify each such injury, the area of your body affected and date when
such area of your body became affected.

ANSWER:

C.M.S. # [REDACTED] PATIENTS AND SEVERAL ALLEGATIONS
THAT I HAVE FROM MISDIAGNOSIS

BEING HEPATITIS C POSITIVE AND I KNEW
SOMETHING TWO OR THREE TIME, WHEN THEY
TOOK BLOOD FROM ME, OR A COUPLE OF TIME
I CUT MYSELF, AND THE NURSING STAFF WAS
CLEANING THE CAT, THE WHILE WAS CLEANING THE CAT
THEY CLEAN IT WITH OLD BLOOD, AND GIVEN NEEDLE
HERE AN THERE, AND I FILED PAPER WORK OVER AN
OVER, AND THE SUPERVISOR OF NURSING WROTE ME BA
AND SAID I DONT NEED NO PHYSICAL OR ANY TEST I'M FIND
(CIVIL RIGHTS 8TH ADMENDEN CRUE

7. If you have received treatment from any healthcare provider for any injury you ^{AN UNUSUAL}
attribute to the alleged violation of your civil rights please identify the healthcare provider, the ^{PUNISHMENT.}

dates upon which you received treatment and the charges incurred to date.

ANSWER:

8. Please identify each person who has assisted you in preparation of any pleadings
(including these Answers to Interrogatories) in the above litigation, indicating the person or
persons' name(s), address(es), phone number(s) and describe in detail how they assisted you in
preparing any pleadings.

ANSWER: I WAS GIVEN SOME LEGAL
ADVICE FROM, A PARALEGAL THAT IS WORK
AT D.C.C. LAW LIBRARY, AND THE
LAW LIBRARIAN FROM GANDER HILL
D.C.C. LAW LIBRARIAN
1301-653-9261

GANDER HILL 1302-429-7700

9. What educational instruction have you received from 1990 to the present, indicating which institution offered the education, the subject matter in which you received education, and the date of completion of any such education.

ANSWER:

N/A

10. If you are claiming the right to receive money, please indicate the amount of money

you are claiming and detail how you arrived at that amount.

ANSWER:

PERSONALLY, I'M LOOKING FOR
SOMEWHAT OF A SUBSTANTIAL, SUM OF MONEY
BECAUSE NOW I HAVE TO LIVE WITH THE FACTOR
THAT ONE-OR-TWO OR HOWEVER MANY C.M.S
NURSING OR DOCTOR'S GAVE ME HEPATITIS C AND
WAS WRONGLY DIAGNOSED HERE AND THERE BY C.M
(I WAS A GINNY PIG OR EXPERIMENT)

11. If you have ever been a party in any other civil lawsuits, either as a plaintiff or

defendant, please indicate the Court which adjudicated the case, a general description of the
claims that involved you and how those claims resolved and when they resolved.

ANSWER:

12. State the name and address of every expert retained or employed by you in

anticipation of this litigation or preparation for trial, whether or not you expect to call him as a
witness at trial, and, as to each, state the dates of initial employment, the date or dates of any
reports, letters or other writings prepared by such person, a brief description of such writing (as
two page letter, three page report, etc.) and the names and addresses of all persons having copies
of them.

ANSWER:

N-A

13. With reference to any expert you expect to call to testify as a witness at the trial, state the name and address of such expert and, as to each expert named, state:

- (a) the subject matter on which the expert is expected to testify;
- (b) the substance of the facts and opinions to which the expert is expected to testify;
- (c) a summary of the grounds for each such opinion.

ANSWER:

N-A

14. Insofar as you intend to introduce into evidence any expert testimony concerning past or future loss of income or earning power or the present value of a sum of money concerning a future loss or expense and such evidence will be introduced through an expert economist or actuary, state the name and address of such expert and, as to each such person named, state a specific description of the losses for which such calculations are being made (as for instance,

present value of the loss of future earnings, present value of future medical expenses, etc.) and describe in detail precisely the manner in which the person reached his conclusions showing the mathematical calculations involved and insofar as such person has prepared any report, memoranda, or any other matter in writing showing in whole or in part his conclusions or the facts on which such conclusions were based, state the date of such writing and the names and addresses of persons having copies of it.

ANSWER:

N-A

15. Please list all witnesses who will testify at trial, stating their names, ages, addresses, employment or occupation, phone numbers, relationship to you, and the facts of which they are expected to testify.

ANSWER:

ANTHONY O. CLARK - SON
1920 NORTH LANCASTER AVE
WILMINGTON, DELAWARE 19803 302-607-351
CHRISTOPHER SMITH 302-764-5585
22ND WEST 37TH STREET 19802
WILMINGTON, DELAWARE
DARNELL O. CLARK - 302-654-5976
2210 JESSUP STREET, WILMINGTON, DE

16. If you claim that the defendant violated any statute, State or Federal, or any regulation, code requirements or other mandatory instruction from any government authority whatsoever, specify in sufficient detail to enable the defendant to locate such statute, regulation, rule, code provision or mandatory instruction, the authority issuing it, and describe specifically the manner in which it was violated.

ANSWER:

I AS A PERSON, THAT HAD A FEW CHALLENGE'S IN LIFE, C.M.S HELPED TO BLOW MY MIND, AND ALSO ME AS A PERSON.

17. If you claim the right to recover in this litigation for any damage to any property of any kind whatsoever, describe such property damage in detail and the manner in which it was damaged, the amount you claim the right to recover as a result of such damages and the manner in which you calculated that amount.

ANSWER:

PERSONALLY C.M.S HAS BROKE MY WHOLE NAVIGATION HUMANLY DEFICIENTLY, BODY CHEMISTRY USE TO FUNCTION, ON A PRETTY GOOD VESS. THATS WHY IN THE BEGINNING I STRESSED IT TO ME ITS A REAL GOOD FIGURE WITH SOME HEALTH BENEF. T'LL PROBABLY SETTLE.

18. State whether you are willing to execute a written medical authorization to inspect the records of hospitals and doctors who have rendered any medical treatment as a result of this accident. If the answer is "yes", please execute two copies of the medical authorization attached to these interrogatories.

ANSWER:

I ANGELO LEE CLARK
GIVE AUTHORIZATION FOR ANY
PHYSICIAN OR PSYCHIATRIST OR
WHATEVER DOCTOR'S TO GET
AND GO THROUGH ALL OF MY RECORDS.

19. Give the names and addresses of all doctors or health care professionals who have been your family physician either at the present time or in the past and the years in which said doctors or professionals treated you, as well as the ailments for which said family physician or professional treated you or attended you.

ANSWER:

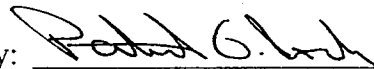
20. Have you had an operations during your lifetime? If so, state the type of operation; the date when the operation was performed; the name and address of the physician who performed the operation and the name and address of the hospital where the operation was performed.

ANSWER:

N-A

Marks, O'Neill, O'Brien & Courtney, P.C.

By:



Patrick G. Rock, Esquire (I.D. No. 4632)
Megan T. Mantzavinos, Esquire (I.D. No. 3802)
913 North Market Street, Suite 800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendants

DATED: Nov 31, 2007

EXHIBIT C

Case 1:06-cv-00465-SLR Document 64 Filed 08/20/2007 Page 1 of 1
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ANGELO CLARK
PLAINTIFF,

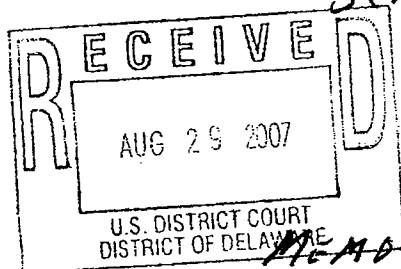
CIVIL ACTION NO-06:465-SLR

CORRECTIONAL MEDICAL
SERVICE'S

DEFENDANT'S

NITROGLYCERIN
0.4 MG/HR

NITROGLYCERIN
0.4 MG/HR



MEMORANDUM ORDER

I PLAINTIFF ANGELO LEE CLARK

ABOUT TEN DAYS AGO, I CAME TO SOME TYPE
OF AGREEMENT, STARTING THAT I WAS GOING
TO BE REWARDED FOR SOME TYPE OF PHYSICAL
DAMAGE, AND IT WASN'T NO AGREEMENT
NOR ARRANGEMENT MADE, BETWEEN ME
OR OTHER PARTY, THERE WAS NEVER ANY
PAYMENT ISSUED FROM THE CORRECTIONAL
MEDICAL SERVICES. THIS CIVIL RIGHTS ACTION
ON JULY 31, 2006 PURSUANT TO 42 USC 1983
D.I.21 AND I AMMENDED SHORT LATER (D.I.8)

EXCUSE ME, ITS
quite a
few
people
getting
checks
in my
NAME.
AND I
GET A
HELP
SO I
CONTINUE
TO
SUFFER

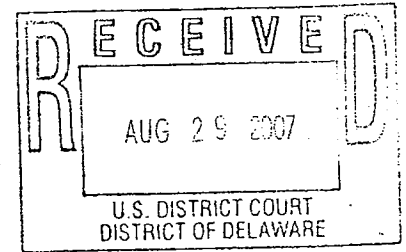
I ANGELO CLARK PLAINTIFF FEE I AS THOUGH
I WAS RAPE, BODY SOUL AN SPIRIT. IT HAPPENED
ABOUT 4-8-DAYS, IT WAS LIKE BEING UNEM-
PLAYED WITH A HARD WORK JOB WITH NO PAY.
JUDGE SUE ROBINSON MY INTELLIGENCE IS RUIN.
AND KEEP ON A NEW PATH.

RELATED CASES 1:90-CV 00593-RRM
1:90-CV 00723-RRM

THANKS. CAUSE 42:1983 PRISONER
PATRICK G. BOER CIVIL RIGHTS
913 NORTH MARKET STREET
SAITE 860 W/IM 06 19801
I HAVE TO GET TREATMENT. 302-658-6538
THANK YOU!

NO-AGREEMENT
NO AWARD AGREE-
MENT
NO SELLER
THEY JUST MADE
ME A FOOT BY
OTHER PEOPLE OF
MY BENT FET.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE



ANGELO CLARK,

Plaintiff,

v.

REGIONAL MEDICAL FIRST
CORRECTIONAL,
MANAGER ANGELA WILSON, AND
CORRECTIONAL MEDICAL SERVICES,

Defendants.

C. A. No. 06-465 - SLR

TRIAL BY JURY OF
TWELVE DEMANDED

DEFENDANTS CORRECTIONAL MEDICAL SERVICES'
FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS
DIRECTED TO PLAINTIFF

Pursuant to Rule 34 of the Federal District Court Rules of Civil Procedure, you are hereby requested to produce the below listed documents and/or items for purposes of discovery. This material will be examined and/or photocopied; photograph negatives will be processed and photographs reproduced. Said documents and items are to be produced at the offices of Marks, O'Neill, O'Brien & Courtney, P.C., 913 Market Street, Suite 800, Wilmington, Delaware 19801, and supplemented thereafter in accordance with the Rules of Civil Procedure.

If any document required to be produced by this Request is claimed by you to be not discoverable because it is privileged or for any other reason, then each such document should be identified in your Response by date, sender, recipient, persons to whom copies have been furnished, and subject matter, and the basis for the claim of privilege or other reason should be stated in your Response.

REQUESTS

1. Any and all statements, descriptions of statements, summaries of statements, memoranda, records or writing (signed or unsigned) of any and all witnesses, including any statements from the parties herein, or their respective agents, servants or employees, including tapes or other mechanically transcribed information.

RESPONSE:

2. All photographs, recordings, films, charts, sketches, graphs and diagrams taken and/or prepared.

RESPONSE:

3. Any and all reports compiled or prepared by an individual who has been retained as an expert in this matter.

RESPONSE:

4. The names, home and business addresses of all experts contacted.

RESPONSE:

5. All writings, memoranda, date and/or tangible things which related directly or indirectly to the incident and damages set forth in Plaintiff's Complaint.

RESPONSE:

6. Any and all copies of Internal Revenue Service Tax Returns for five full years prior to, and all years subsequent to the date referred to in Plaintiff's Complaint.

RESPONSE:


7. Any and all documents, records, evidence and anything whatsoever which will be introduced at trial for use in direct examination or impeachment.

RESPONSE:

8. Any document or thing the plaintiff has read or referred to in preparation of any pleadings in the instant case.

RESPONSE:

Marks, O'Neill, O'Brien & Courtney, P.C.

By: 
Patrick G. Rock, Esquire (I.D. # 4632)
Megan T. Mantzavinos, Esquire (I.D. # 3802)
913 North Market Street, Suite 800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant CMS

DATED: *Jul 31, 2007*

Case 1:06-cv-00465-SLR Document 64-3 Filed 08/29/2007 Page 1 of 2
 I HAVE CONCERN I WANT TO
 EXAMINED
 PROFESSION

DELAWARE DEPARTMENT OF CORRECTIONS
REQUEST FOR MEDICAL/DENTAL SICK CALL SERVICES
FACILITY: DELAWARE CORRECTIONAL CENTER

This request is for (circle one): MEDICAL DENTAL MENTAL HEALTH

RECEIVED

Name (Print) ANGELO LEE CLARK Housing Location #19 - upper - 2-cell
 Date of Birth 12-15-55 SBI Number 123209 Date Submitted 11/24/06 BUZ

Complaint (What type of problem are you having?) IT SEEMS LIKE EVERY SINCE
I WAS ADMITTED IN THE INFIRMARY - ON - 11/1/06 FOR CUTTING
MYSELF ON - 11-2/06 - NURSE 'RN' DANYEE' AND BLOOD LADY!
'STEPHANIE' - DANYEE CLEANED MY CUT AS SOON AS SHE LEFT
THE PATIENT ROOM NEXT DOOR, AND STEPHANIE TOOK BLOOD FROM ME AND
ANGELO LEE CLARK 11/24/06
 Inmate Signature Date

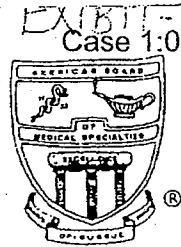
The below area is for medical use only. Please do not write any further.

S: 11/26/06 I still will be any
reason for you to be examined
 O: Temp: _____ Pulse: _____ Resp: _____ B/P: _____ WT: _____
by a physician, the nurse
 A: would refer you. Nurses
are capable of making
 P: assessment

E: I still feel as though constrained
medical system gave me something even if it's not
and, I just don't feel right! Like my old self.
Judge you CAN call LAWYERS LAWYERS. PLEASE PLEASE HELP ME

3/1/99 DE01
 FORM#: _____
 MED
 263

Provider Signature & Title _____ Date & Time _____
This is how I feel STOMACH KNOTS AND
MIND BODY SOUL AND SPIRIT COOKY BODY.
I WAS GOT MY CHOCK BUT I WASN'T GETTING NOTHING
IN MY NAME OR ADDRESS! YOU CAN CALL MA'S.
I'M HURTING SO BAD.



AMERICAN BOARD OF MEDICAL SPECIALTIES®

1007 Church Street, Suite 404 Evanston, IL 60201-5913 Phone: 847.491.9091
 FAX: 847.328.3596
 www.abms.org

ACT OF 1996
42 U.S.C. 164.508

March 31, 2005

Julian Miller

Unit D-East F-22

Delaware Correctional Center

1181 Paddock Road

Smyrna, DE 19977

Dear Mr. Miller:

Your letter was received at the American Board of Medical Specialties (ABMS) on March 28, 2005. The ABMS is the umbrella organization for 24 medical specialty boards. The main focus of ABMS and its 24 Member Boards is the process of certification of physician specialists in the United States.

The ABMS is not a referral service and does not give recommendations to patients. The ABMS does not process complaints or provide information regarding disciplinary actions that have been filed by the state. The ABMS can verify if a physician is certified by one of its 24 Member Boards.

The *Official ABMS Directory of Board Certified Medical Specialists*, which is available in many medical and public libraries, would be a useful resource to obtain more information regarding certification status of individual physicians. Also, the ABMS has a public education program which provides verbal verification of board certification at 1-800-CERT (776-2378).

In response to your questions:

- 1) There is no record of a Dr. Sitta Gombah-Alie in the ABMS database.
- 2) Requirements of a Medical Director are determined by each health care organization. A health care organization can require certification but it is not the law.

It is hoped that this information is helpful to you and satisfactorily responds to your request.

Sincerely,

Sheldon D.

Sheldon D. Horowitz, M.D.
 Associate Vice President

This Document is for you to check to see if any of the Nurses or Psychiatrists or Medical Doctors, had legitimate Licenses to Practice.

Members

American Board of Allergy & Immunology
 American Board of Anesthesiology
 American Board of Colon & Rectal Surgery
 American Board of Dermatology
 American Board of Emergency Medicine
 American Board of Family Medicine
 American Board of Internal Medicine
 American Board of Medical Genetics
 American Board of Neurological Surgery
 American Board of Nuclear Medicine
 American Board of Obstetrics & Gynecology
 American Board of Ophthalmology
 American Board of Orthopaedic Surgery
 American Board of Otolaryngology
 American Board of Pathology
 American Board of Pediatrics
 American Board of Physical Medicine and Rehabilitation
 American Board of Plastic Surgery
 American Board of Preventive Medicine
 American Board of Psychiatry & Neurology
 American Board of Radiology
 American Board of Surgery
 American Board of Thoracic Surgery
 American Board of Urology

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Accreditation Council for Continuing Medical Education
 Accreditation Council for Graduate Medical Education
 American Hospital Association
 American Medical Association
 Association of American Medical Colleges
 Council of Medical Specialty Societies
 Educational Commission for Foreign Medical Graduates
 Federation of State Medical Boards of U.S.
 National Board of Medical Examiners

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L. Edward Bryant, Jr., Esq.
 Lloyd B. Morgan
 Rosemary A. Stevens, Ph.D.

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